

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Robert Canavan (Reg No. 37,592) on June 16, 2009.
3. The claims have been amended as follows:
  - a. Claim 1, line 18: insert -- is a -- between "software" and "second".
  - b. Claim 8, replace claim 8 with the following:

8. A method for automated distribution of software in a fiber optic network including at least one host digital terminal (HDT) that includes at least one optical multiplexing unit (OMU) and at least one optical interface unit (OIU), and including at least one optical network unit (ONU) that includes at least one further OIU, the method comprising:

    - (a) identifying a version of first software installed on the OMU, the first software being for multiplexing signals from the at least one OIU of the HDT and for communicating with a switch;
    - (b) identifying a version of second software installed in the further OIU connected to the OMU over a fiber optic connection, the second software being for

multiplexing a plurality of subscriber connections and for communicating with an OIU of the HDT;

(c) determining whether there is at least a further ONU connected to the OMU over a fiber optic connection;

if so, then identifying a version of software installed in at least one OIU included in the further ONU, the version of software installed in the at least one OIU included in the further ONU being for multiplexing a plurality of subscriber connections and for communicating with an OIU of the HDT; and

(d) determining if the second software is compatible with the first software; and

(e) only if the first software is not compatible with the second software, then downloading an updated version of the first software to the OMU and updating the first software; and

(f) determining whether the fiber optic network includes at least a further OMU and, if so, repeating the method for the further OMU.

#### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest the claimed invention. Specifically, the prior art of record fails to teach or suggest software updating in a fiber optic network including at least one host digital terminal (HDT) that includes at least one optical multiplexing unit (OMU) and at least one optical interface unit (OIU), and including at least one optical network unit (ONU) that includes at least

one further OIU, where three distinct software are identified for update including a version of first software installed on the OMU, the first software being for multiplexing signals from the at least one OIU of the HDT and for communicating with a switch, a version of second software installed on the OIU, the second software being for terminating signals from the at least one ONU and for communicating with the OMU; and a version of third software installed on the further OIU, the third software being for multiplexing a plurality of subscriber connections and for communicating with an OIU of the HDT.

5. The prior art of record, Marsh teaches updating firmware in a network environment using a comparison of version to determine whether upgrade is needed. The prior art of record, Fletcher teaches downloading software only if the existing version is not the prescribed version. The prior art of record, Norcutt teaches determining if one version is compatible with another version during update. The prior art of record, Ethridge teaches fiber optic networks. However, Marsh Fletcher, Norcutt, and Ethridge, fail to teach the independent claims as recited where software update occurs in a fiber optic network including at least one host digital terminal (HDT) that includes at least one optical multiplexing unit (OMU) and at least one optical interface unit (OIU), and including at least one optical network unit (ONU) that includes at least one further OIU, and where three distinct software are identified for update including a version of first software installed on the OMU, the first software being for multiplexing signals from the at least one OIU of the HDT and for communicating with a switch, a version of second software installed on the OIU, the second software being for terminating signals from the at least one ONU and for communicating with the OMU; and a version of third software installed on the

further OIU, the third software being for multiplexing a plurality of subscriber connections and for communicating with an OIU of the HDT.

6. Any comment considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jue S. Wang whose telephone number is (571) 270-1655. The examiner can normally be reached on M-Th 7:30 am - 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193

/Jue S Wang/  
Examiner, Art Unit 2193